

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**FREDERICK BANKS, #05711-068**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 5:07-cv-214-DCB-MTP**

**UNKNOWN DUCKWORTH and UNKNOWN WRIGHT**

**DEFENDANTS**

**ORDER**

Before the Court is Plaintiff's letter [4]. Plaintiff filed this document in response to this Court's order denying *in forma pauperis* status [3], which also directed the Plaintiff to pay the full filing fee of \$350.00, within twenty days. The Plaintiff argues that he is exempt from paying the filing fee because he is a Lakota Sioux Indian, however, in the alternative the Plaintiff included a "promissory note" for payment of his filing fee. This Court instructs Plaintiff that there is no "exemption" from paying the filing fee. Moreover, legal tender in regards to the filing fee is considered cash, check, money order or credit card (The Guide to Judiciary Policies, Chapter 7, Part C.2.1.3.). The Plaintiff will be provided **one final opportunity** to maintain this civil action by paying the required filing fee on or before February 13, 2008. Accordingly, it is hereby

**ORDERED:**

1. That the Plaintiff's letter [4] with attached "promissory note" is not acceptable payment for the filing fee in this case.
  2. That the Plaintiff is granted an extension of time until February 13, 2008, to comply with this Court's order of December 7, 2007, by paying the required filing fee of \$350.00.
- The Plaintiff is warned that if the Court does not receive payment of the filing fee for this

case, in an acceptable form, on or before February 13, 2008, this case will be dismissed,  
without further notice to the Plaintiff.

3. That the Plaintiff is warned that failure to advise this Court of a change of address or failure to comply with any order of this Court will be deemed as a purposeful delay and contumacious act by the Plaintiff and will also result in the dismissal of this case.

THIS, the 31st day of January, 2008.

s/ David Bramlette  
UNITED STATES DISTRICT JUDGE